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## SMART & BIGGAR

*Intellectual Property & Technology Law*

**To Fax no.:** 703 872-9306

**Page 1 of:** 13

**Attention:** USPTO

**From:** Ronald Faggetter / JJP

**Your file no.:** Patent Appln. No. 09/878,346

**Reply to Toronto file no.:**

438 University Avenue  
Suite 1500, Box 111  
Toronto, Canada M5G 2K8

Tel.: (416) 593-5514

Fax: (416) 591-1690

**Date:** September 22, 2004

**Time:**

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Please see attached:

1. Transmittal Letter (Large Entity); and
2. Amendment dated September 22, 2004.

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**If there are any transmission problems, please call (416) 593-5514.**

Original copy and any enclosures

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Robert R. Griffioen

Serial No.: 09/878,346

Filed: June 12, 2001

For: METHOD AND SYSTEM FOR  
UPGRADING EXISTING FIRMWARE  
ON THIRD PARTY HARDWARE

Group Art Unit: 2124

Examiner: Qamrun Nahar

Attorney Docket No.: 91436-335

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
USA

## Certificate of Transmission

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facsimile transmitted to the Patent and  
Trademark Office Fax No. (703) 872-9306  
on September 22, 2004

Signature

Ronald D. Faggetter

## TRANSMITTAL LETTER (Large Entity)

Dear Sir:

Transmitted herewith is a response in the above-identified application.

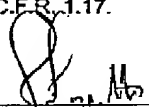
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	24	24	0	X \$18.00	\$0
INDEP. CLAIMS	6	6	0	X \$86.00	\$0
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☒ Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered. Please charge the fees required therefor to Deposit Account No. 19-2548.
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-2548. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application procession fees under 37 C.F.R. 1.17.

September 22, 2004

91436-335  
Encl.  
Telephone: (416) 593-5514

  
Ronald D. Faggetter (Reg. No. 33,345)  
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Toronto, Ontario, Canada M5G 2K8

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RECEIVED  
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SEP 22 2004AMENDMENTAssistant Commissioner for Patents  
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Dear Sir:

<p align="center"><b>Certificate of Transmission</b></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 872-9306 on <u>September 22, 2004</u></p> <p>Signature <u>[Signature]</u></p> <p align="center">Ronald D. Faggetter</p> <p><small>Typed or printed name of person signing this certificate</small></p>
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In response to the Office Action mailed June 23, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the Listing of Claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.